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## NOTICE OF ALLOWANCE AND FEE(S) DUE

8791 7590 08/07/2008

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP  
1279 OAKMEAD PARKWAY  
SUNNYVALE, CA 94085-4040

EXAMINER

WONG, XAVIER S

ART UNIT

PAPER NUMBER

2616

DATE MAILED: 08/07/2008

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/618,136

07/11/2003

Roger Lapuh

3239P107

4434

TITLE OF INVENTION: ROUTED SPLIT MULTILINK TRUNKING

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1440	\$300	\$0	\$1740	11/07/2008

**THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.**

**THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.**

### HOW TO REPLY TO THIS NOTICE:

#### I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.**

# **PART B - FEE(S) TRANSMITTAL**

**Complete and send this form, together with applicable fee(s), to: Mail Mail Stop ISSUE FEE  
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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

8791 7590 08/07/2008

**BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP**  
1279 OAKMEAD PARKWAY  
SUNNYVALE, CA 94085-4040

## **Certificate of Mailing or Transmission**

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/618,136	07/11/2003	Roger Lapuh	3239P107	4434

TITLE OF INVENTION: ROUTED SPLIT MULTILINK TRUNKING

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1440	\$300	\$0	\$1740	11/07/2008

EXAMINER	ART UNIT	CLASS-SUBCLASS
WONG, XAVIER S	2616	370-225000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 \_\_\_\_\_
- (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 \_\_\_\_\_
- 3 \_\_\_\_\_

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent) : ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
- ☐ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies \_\_\_\_\_

4b. Payment of Fee(s); (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number \_\_\_\_\_ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature \_\_\_\_\_

Date \_\_\_\_\_

Typed or printed name \_\_\_\_\_

Registration No. \_\_\_\_\_

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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8791	7590	08/07/2008	EXAMINER	
BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP 1279 OAKMEAD PARKWAY SUNNYVALE, CA 94085-4040			WONG, XAVIER S	
			ART UNIT	PAPER NUMBER
			2616	
DATE MAILED: 08/07/2008				

## Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 842 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 842 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

**Notice of Allowability**

Application No.

10/618,136

Applicant(s)

LAPUH ET AL.

Examiner

Art Unit

Xavier SzeWai Wong

2616

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 7<sup>th</sup> July 2008.
2. ☒ The allowed claim(s) is/are 1,2 and 5-19 renumbered as 1-17 respectively.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- \* Certified copies not received: \_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date 18<sup>th</sup> January 2005
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_.

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with **William Schaal** on 23<sup>rd</sup> July 2008.

Claim 1 (currently amended) A method comprising:

interconnecting at least two aggregation devices by an Inter Switch Trunk (IST) link to logically operate as a single device, the at least two aggregation devices operating concurrently; the at least two aggregation devices is routed split multilink trunking (RSMLT) enabled; and

synchronizing forwarding records of local routing instances for Internet Protocol (IP) networking between the at least two aggregation devices, the forwarding records are media access control (MAC) records, each of the MAC records includes an indication that, when set to a first logic level, allows routing of that MAC record over a port different than ports through which the forwarding records are exchanged between the at least two aggregation devices over the IST link and, when the indication bit is set to a second logic level, does not allow routing of that MAC record over the IST trunk.

Claim 3 (canceled).

Claim 4 (canceled).

Claim 9 (currently amended) A system comprising:

an Inter Switch Trunk (IST) link;

a first aggregation device coupled to the IST link, the first aggregation device comprises a first set of ports, first processing logic coupled to the first set of ports, and a first memory element coupled to the first processing logic, the first memory element including a routing table that comprises a first set of media access control (MAC) records, each MAC record of the first set of MAC records includes a routing bit that, when set to a first logical value, allows routing of that MAC record from the first set of ports over the IST link and when set to a second logical value, does not allow routing of that MAC record over the IST link; and

a second aggregation device coupled to the IST link, the second aggregation device to obtain the first set of MAC records for use by one or more local routing instances for a Layer 3 (L3) networking protocol within the second aggregation device;

wherein the first aggregation device and the second aggregation device are routed split multilink trunking (RSMLT) enabled.

Claim 19 (currently amended) An aggregation device in communication with an Inter Switch Trunk (IST) peer device, comprising:

a control plane;

at least one port; and

a data plane in communication with the control plane, the data plane to provide sub-second failover recovery and provide control plane protocols enough time to

converge without adversely affecting data forwarding operations through synchronization of media access control (MAC) records of local routing instances for Internet Protocol (IP) networking with the IST peer device; each MAC record of the MAC records includes a routing bit that, when set to a first logical value, allows routing of that MAC record from the at least one port and when set to a second logical value, does not allow routing of that MAC record from the at least one port,

wherein both the aggregation device and the IST peer device are routed split multilink trunking (RSMLT) enabled.

Claim 20 (canceled).

Claim 21 (canceled).

## CONCLUSION

2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

3. **Carroll** et al (US 6657951 B1) disclose a switch, comprising: means for connecting a first port of said switch to a Inter Switch Trunk Link (ISL), said trunk link forming a path of a distributed token ring (TR) bridge to provide a path for traffic between an undistributed Concentrator Relay Function (CRF) in said switch and other undistributed Concentrator Relay Functions located on other switches; means for providing a second port of said switch to connect to said distributed token ring (TR) bridge to provide a portion of a backup network, said second port having a second

undistributed CRF in said switch; and means for utilizing said second port as a backup port if the primary active port does not connect to a valid path to the network, the backup port providing a path from said switch to said distributed token ring (TR) bridge; wherein step for selecting an active port utilizes MAC addresses of the switch as conflict resolution policy.

4. **Verma** et al (US 7254109 B1) a primary and secondary adaptor that work in active-active configuration and both process incoming events coming to them. They also replicate event information to each other for all the events processed by them to provide a fault tolerant system and process events without losing any information in case of any component failure, all the machines in the system are connected to other machines through two Ethernet link, depending on the communication requirements among the machines ensuring that the communication is not broken even in the case of failure of the cable (cable pulled out) or failure of the Ethernet card on the machine. The adaptors work in active-active configuration and both process incoming events coming to them.

5. **Lohr** (US 2003/0152026 A1) a method of negotiating an active or a passive role assignment to a first and a second control means of a network element. The control means are redundant and operate dependent on their respective active or passive role. The invention furthermore relates to a control means therefor, a program module for a control means therefor and a network element therefor.

6. **Nandi** et al (US 7272674 B1) Dynamic Multi-pathing (DMP) functionality enables greater reliability and performance by using path failover and load balancing. In general,



the multipathing policy used by DMP drivers 135 and 145 depends on the characteristics of the disk array in use. Active/active disk arrays (A/A arrays) permit several paths to be used concurrently for I/O operations. In the event of a loss of one connection to an array, the DMP driver automatically routes I/O operations over the other available connections to the array. Active/passive arrays in so-called auto-trespass mode (A/P arrays) allow I/O operations on a primary (active) path while a secondary (passive) path is used if the primary path fails. Failover occurs when I/O is received or sent on the secondary path. Active/passive arrays in explicit failover mode (A/PF arrays) typically require a special command to be issued to the array for failover to occur. Active/passive arrays with LUN group failover (A/PG arrays) treat a group of Logical Units (LUNs) that are connected through a controller as a single failover entity. Failover occurs at the controller level and not at the LUN level (as would typically be the case for an A/P array in auto-trespass mode). The primary and secondary controllers are each connected to a separate group of LUNs. If a single LUN in the primary controller's LUN group fails, all LUNs in that group fail over to the secondary controller's passive LUN group.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Xavier Wong whose telephone number is (571)270-1780. The examiner can normally be reached on Monday through Friday 8:30 am - 6:00 pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on 571-272-3174. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Seema S. Rao/  
Supervisory Patent Examiner, Art  
Unit 2616

*Xavier Szewai Wong*  
X.S.W / x.s.w  
28<sup>th</sup> July 2008